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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO VENUE

UNITED STATES OF AMERICA,

Plaintiff,

v.

\$20,000 IN UNITED STATES CURRENCY,

Defendant.

No. C 07-1702 SI

**REQUEST AND [PROPOSED] ORDER
 RE DISMISSAL**

Pursuant to Rule 41(a)(1) of Federal Rules of Civil Procedure, plaintiff hereby requests a dismissal of the instant action. Plaintiff's request is predicated on the representations made by Thomas Kelly, the owner of the funds, in the plea agreement filed in the related criminal action captioned United States v. Thomas Kelly, CR 06-00533 SI, currently pending in this district. Specifically, Thomas Kelly agreed that these seized funds could be applied towards his restitution obligations in the criminal case. Accordingly, the government agrees to forego this

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**REQUEST AND [PROPOSED] ORDER
 RE DISMISSAL
 (07-1702 SI)**

forfeiture action in favor of restitution in the related criminal case.

DATED: October 15, 2007

Respectfully submitted,

SCOTT N. SCHOOLS
United States Attorney




STEPHANIE MATTHEWS
Assistant United States Attorney

[PROPOSED] ORDER RE DISMISSAL

Upon plaintiff's request, and good cause appearing, the Court hereby dismisses the instant action. Each party is to bear their own fees and costs in this action.

IT IS SO ORDERED.

DATED:



SUSAN ILLSTON
United States District Judge

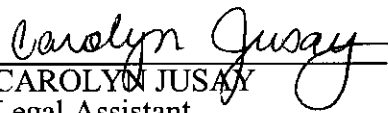
CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Northern District of California and is a person of such age and discretion to be competent to serve papers. The undersigned further certifies that she caused a copy of

• Request and Proposed Order re Dismissal
by U. S. first class mail delivery upon the person(s) below at the place(s) and address(es) which is/are the last known address(es):

Mr. Stephen G. Frye
633 W. 5th Street, Suite 2800
Los Angeles, CA 90071-2039
Attorney for Thomas Kelly

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge. Executed this 16th day of October, 2007, at San Francisco, California.


CAROLYN JUSAY
Legal Assistant
Asset Forfeiture Unit